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09/858,360	05/16/2001	Joseph A. Manico	82171SLP	3327

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Thomas H. Close
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER	
BAKER, CHARLOTTE M	

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/858,360	MANICO ET AL.	
	Examiner	Art Unit	
	Charlotte M. Baker	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-14 and 16-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-14 and 16-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09/17/2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 08/07/2006 and a supplement filed on 08/09/2006 have been fully considered but they are not persuasive.

With regard to Applicant's argument that in the Vallmajo et al. reference "no information travels from the kiosk through the network; only from the network to the kiosk", Examiner respectfully traverses. Attention is drawn to col. 27, ln. 14-23. Although Vallmajo et al. do not say "sending", it is still **not** just a one-way network, which can only receive and not send. See at least col. 4, ln. 52-57 ("upload an electronic image to the photo kiosk for processing"). In addition, Examiner respectfully traverses Applicant's assertion that Vallmajo et al. do not teach a network of kiosks (see col. 4, ln. 52-57, photo kiosk operating in a computer network). Also, regarding Applicant's argument that Vallmajo et al. do not disclose generating an identifier associated with an image and image bearing product, providing the identifier to a recipient, or using the identifier to access the image and generate an image bearing product, Vallmajo et al. is not relied upon for those teachings.

With regard to Applicant's argument that Meyer et al. do not disclose that the kiosk at which image input can be done is connected to any other kiosks, or selecting an image bearing product. Meyer et al. was not relied upon for these limitations. Meyer et al. was relied upon for generating the image bearing product at a kiosk. See at least (Fig. 1A and 1B, printer device 20 and col. 4, ln. 46-51) for the generation of the image bearing product and see at least (Fig. 1A and 1B, photo kiosk 20, photo kiosk operating within a computer network, col. 4, In. 52-57).

With regard to Applicant's remarks that Redd et al. do not teach at least a network of connected kiosks capable of uploading and downloading information from the network, entering an image and selecting at least one image bearing product, or generating an image bearing product at a networked kiosk. Redd et al. was not relied upon for these limitations.

With regard to Applicant's remarks that Liebenow does not teach at least a network of connected kiosks, entering an image and selecting at least one image bearing product, or generating an image bearing product at one of the networked kiosk, Liebenow was not relied upon for these limitations.

It is the combination of Vallmajo et al., Meyer et al. and Redd et al., and Liebenow that disclose the claimed invention.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallmajo et al. in view of (6,791,723) Meyer et al. (US 2002/0116278).

Regarding claim 1: Vallmajo et al. disclose providing a plurality of network connected kiosks (photo kiosk operating within a computer network, col. 4, ln. 52-57 and col. 27, ln. 14-23) having image input (Fig. 1A, scanner bed 16) and product output capability (Fig. 1A and 1B, printer device 20); inputting at least one image (Fig. 1A, picture 14) at one of the plurality of network connected kiosks (Fig. 1A and 1B, photo kiosk 10); selecting one or more image

bearing product for at least one image (col. 4, ln. 46-51); storing the image at a network accessible location (col. 27, ln. 14-31 and Fig. 4, communications device 450 and memory 420); generate the selected one or more image bearing product (Fig. 1A and 1B, printer device 20 and col. 4, ln. 46-51) at any one of the plurality of networked connected kiosks (Fig. 1A and 1B, photo kiosk 20, photo kiosk operating within a computer network, col. 4, ln. 52-57).

Vallmajo et al. fail to specifically address an identifier associated with the image and image retrieval.

Meyer et al. disclose generating an identifier for the at least one image, wherein the identifier includes information regarding the selected one or more image (code number, par. 21); providing a recipient with the identifier (code number, par. 21); using the identifier to retrieve the at least one image (using code number to access stored images from the remote site, par. 21); and using the retrieved image (access stored images from the remote site, par. 21).

It would have been obvious for a person of ordinary skill in the art at the time of the invention to include an identifier for image retrieval in order to preserve the images as suggested by Meyer et al. (par. 7) and provide a more secure means of accessing images as suggested by Meyer et al. (par. 21).

Regarding claim 10: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1. Vallmajo et al. further disclose wherein the one of the plurality of network connected kiosks comprises a networked home computer (Fig. 1A and 1B, photo kiosk 20, photo kiosk operating within a computer network, col. 4, ln. 52-57).

Regarding claim 11: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1. Vallmajo et al. further disclose at any one of the plurality of network connected kiosks (Fig. 1A and 1B, photo kiosk 20, photo kiosk operating within a computer network, col. 4, ln. 52-57).

Vallmajo et al. fail to specifically address image retrieval.

Meyer et al. disclose wherein the image is retrieved (using code number to access stored images from the remote site, par. 21).

Regarding claim 12: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1. Vallmajo et al. further disclose storing at a network accessible location (col. 27, ln. 14-31 and Fig. 4, communications device 450 and memory 420).

Vallmajo et al. fail to specifically address an identifier.

Meyer et al. disclose identified by the identifier (via a code number, par. 21).

Regarding claim 13: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1.

Vallmajo et al. fail to specifically address retrieving the image from a network accessible location.

Meyer et al. disclose wherein the image is retrieved from the network accessible location identified by the identifier (code number, par. 21).

Regarding claim 14: Arguments analogous to those stated in the rejection of claim 1 are applicable. In addition, storing the at least one image at a network accessible location (col. 27, ln. 14-31 and Fig. 4, communications device 450 and memory 420); using the identifier to retrieve the at least one image (using code number to access stored images from the remote site, par. 21) and information regarding the selected one or more image (code number, par. 21); and using the retrieved at least one image (Fig. 1A and 1B, printer device 20 and col. 4, ln. 46-51) to

generate the selected one or more image bearing product at any one of the plurality of network connected kiosks (Fig. 1A and 1B, photo kiosk 20, photo kiosk operating within a computer network, col. 4, ln. 52-57).

4. Claims 3-7, 9, 16-20, and 22-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. (6,646,754).

Regarding claim 3: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1. Vallmajo et al. further disclose providing a printer (Fig. 1A and 1B, printer device 20); at one of the plurality of networked connected kiosks (Fig. 1A and 1B, photo kiosk 20, photo kiosk operating within a computer network, col. 4, ln. 52-57).

Vallmajo et al. in view of Meyer et al. fail to specifically address inputting name and address of recipient and printing and sending a postcard.

Redd et al. disclose inputting a name and address of the recipient (Figure 7, address field 906 and col. 10, ln.56-60 and col. 13, ln. 33); printing a postcard with the printer comprising the name and address of the recipient and the identifier (destination identifier print 900, Figure 7); and sending the postcard to the recipient (destination identifier print 900, Figure 7). In addition, Redd et al. suggests postcards that can be distributed (col. 32, ln. 33-40).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the suggestion of Redd et al. to allow the user to input the name and address of the recipient and to print and send a postcard in order to provide more efficient tracking.

Regarding claim 4: Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 3. Meyer et al. further disclose wherein the printer is network

connected (network communications interface 304 may be located with the printer 306 in a single housing 316, par. 29).

Regarding claim 5: Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 3.

Vallmajo et al. in view of Meyer et al. fail to specifically address reading the identifier from the postcard.

Redd et al. disclose the step of reading the identifier from the postcard (barcode reader 626, and col. 21, ln. 61-65).

Regarding claim 6: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1.

Vallmajo et al. in view of Meyer et al. fail to specifically address sending a postcard.

Redd et al. disclose wherein the step of providing a recipient with the identifier comprises sending a postcard (destination identifier print 900, Figure 7). In addition, Redd et al. suggests postcards that can be distributed (col. 32, ln. 33-40).

Regarding claim 7: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1.

Vallmajo et al. in view of Meyer et al. fail to specifically address sending an email.

Redd et al. disclose wherein the step of providing a recipient with the identifier comprises sending an e-mail (the network is inherently capable of electronic mail and the person who placed the order can provide as the recipient's address an e-mail address, and suggestion of use of email col. 12, ln. 35-38).

Regarding claim 9: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1.

Vallmajo et al. in view of Meyer et al. fail to specifically address sending a thank you message.

Redd et al. disclose the step of sending a thank you message (Figure 8, user specified message 934, col. 18, ln. 7-10).

Regarding claim 16: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 14. Arguments analogous to those stated in the rejection of claim 3 are applicable.

Regarding claim 17: Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 16. Arguments analogous to those stated in the rejection of claim 4 are applicable.

Regarding claim 18: Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 16. Arguments analogous to those stated in the rejection of claim 5 are applicable.

Regarding claim 19: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 14. Arguments analogous to those stated in the rejection of claim 6 are applicable.

Regarding claim 20: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 14. Arguments analogous to those stated in the rejection of claim 7 are applicable.

Regarding claim 22: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 14. Arguments analogous to those stated in the rejection of claim 9 are applicable.

Regarding claim 23: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 14. Arguments analogous to those stated in the rejection of claim 11 are applicable.

Regarding claim 24: Meyer et al. satisfy all the elements of claim 14. Arguments analogous to those stated in the rejection of claim 13 are applicable.

Regarding claim 25: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 14. Arguments analogous to those stated in the rejection of claim 12 are applicable.

Regarding claim 26: Arguments analogous to those stated in the rejections of claims 1, 14, 15, and 16 are applicable. In addition, Redd et al. suggests postcards that can be distributed (col. 32, ln. 33-40).

Regarding claim 27: Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 26. Arguments analogous to those stated in the rejections of claims 4 and 17 are applicable.

Regarding claim 28: Meyer et al. in view of Redd et al. satisfy all the elements of claim 26. Arguments analogous to those stated in the rejections of claims 9 and 22 are applicable.

Regarding claim 29: Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 26. Arguments analogous to those stated in the rejection of claim 10 are applicable.

Regarding claim 30: Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 26. Arguments analogous to those stated in the rejections of claims 11 and 15 are applicable.

Regarding claim 31: Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 26. Arguments analogous to those stated in the rejections of claims 13 and 24 are applicable.

Regarding claim 32: Arguments analogous to those stated in the rejections of claims 14 and 16 are applicable. A "first" and "second" "recipient and postcard" are addressed by the applicant in claim 32. Redd et al. disclose the capability of multiple recipients (col. 11, ln. 18-37). Redd et al. further disclose printing a second postcard with the printer comprising a name and address of a second recipient and the identifier (Figure 7 and col. 17, ln. 12-39); sending the second

postcard to the second recipient (Figure 7 destination identifier print 900); the second recipient using the identifier to retrieve the at least one image (Figure 8 unique identification number 922 and col. 17, ln. 65-67 through col. 18, ln. 1-7).

Regarding claim 33: Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 32. Arguments analogous to those stated in the rejections of claims 4, 17, and 27 are applicable.

Regarding claim 34: Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 32. Arguments analogous to those stated in the rejections of claims 9, 22, and 28 are applicable.

Regarding claim 35: Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 32. Arguments analogous to those stated in the rejections of claims 9, 22, 28, and 34 are applicable.

Regarding claim 36: Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 32. Arguments analogous to those stated in the rejections of claims 11, 15, and 30 are applicable.

Regarding claim 37: Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 32. Arguments analogous to those stated in the rejections of claims 12 and 25 are applicable.

Regarding claim 38: Vallmajo et al. in view of Meyer et al. and further in view of Redd et al. satisfy all the elements of claim 37. Arguments analogous to those stated in the rejections of claims 13, 24, and 31 are applicable.

5. Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallmajo et al. in view of Meyer et al. and further in view of Liebenow (US 2002/0085840 A1).

Regarding claim 8: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 1.

Vallmajo et al. in view of Meyer et al. fail to specifically address sending a telephonic message.

Liebenow discloses sending a telephonic message (pre-recorded message, p. 4, par. 31). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include sending a telephonic message to a recipient as taught by Liebenow to communicate an identifier for the images so that the customer does not have to wait an extended period of time to view the prints.

Regarding claim 21: Vallmajo et al. in view of Meyer et al. satisfy all the elements of claim 14. Arguments analogous to those stated in the rejection of claim 8 are applicable.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMB

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER